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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

9 JAMES HENRY GREEN,
10 #1020696,

11 *Petitioner,*

12 vs.

13 ELDON K. McDANIEL, *et al.*,

14 *Respondents.*

3:11-cv-00161-HDM-VPC

15 ORDER

16 This habeas matter comes before the Court on petitioner's motion (#25) styled as a
17 motion to stay or alternatively for enlargement of time.

18 Petitioner seeks a \$50.00 increase in his prison legal copy credit limit and/or an
19 unspecified extension of time to respond to respondents' motion to dismiss and response.

20 The Court will grant the requested copy credit limit increase, although it highly doubts
21 that such an increase is necessary for petitioner to respond to the motion to dismiss and
22 response. Respondents have filed copies of state court record materials relevant to the
23 motion and response. Petitioner does not need to attach copies of state court record
24 materials that already have been filed by respondents, and he has not identified any specific
25 materials that he would need to copy to respond. Petitioner instead simply seeks
26 reconsideration of the partial denial two years ago of an also unsubstantiated motion for a
27 \$50.00 copy credit limit increase. The Court nonetheless will grant the requested increase,
28 out of an abundance of caution and to assure the prompt resolution of this action.

1 The Court notes that petitioner has waited until nearly the expiration of the response
2 time under the *Klingele* notice to seek an increase in his copy credit limit rather than seeking
3 such relief immediately. The Court will extend petitioner's deadline to mail a response to the
4 Clerk for filing until March 3, 2014. Petitioner will have had ample time in the aggregate by
5 that point within which to prepare and file a response to respondents' February 3, 2014, filing.
6 He did not need copies to work on the response. No further extensions of time will be
7 granted.

8 IT THEREFORE IS ORDERED that petitioner's motion (#25) styled as a motion to stay
9 or alternatively for enlargement of time is GRANTED IN PART and DENIED IN PART to the
10 extent consistent with the remaining provisions herein.

11 IT FURTHER IS ORDERED that the Nevada Department of Corrections shall increase
12 petitioner's copy credit limit by **fifty dollars (\$50.00)** for use for this case over and above any
13 increase provided for by any other court order. Nothing in this order directs any action or
14 inaction as to petitioner's inmate savings account balance, and the availability or unavailability
15 of that balance for a particular given purpose remains subject to the governing departmental
16 rules. This order is directed specifically only to the copy credit limit, not also to the savings
17 balance, with any relationship between the two being strictly a departmental matter.

18 IT FURTHER IS ORDERED that petitioner shall have up to and including **March 3,**
19 **2014**, within which to mail to the Clerk for filing a response to respondents' motion to dismiss
20 and response. **No further extensions will be granted.**

21 The Clerk shall SEND a copy of this order to the attention of the **Chief of Inmate**
22 **Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV**
23 **89702.**

24 DATED: February 20, 2014.

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HOWARD D. MCKIBBEN
United States District Judge